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BUSINESS INSURANCE

SOME MEDICAL DEVICES CAN  
HURT MORE THAN HELP

A BRIEF INTRODUCTION TO  
CLASS ACTION LAWSUITS

### THE GIRARDS LAW FIRM

JIM GIRARDS

TOP MEDICAL MALPRACTICE

VERDICTS IN TEXAS



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NOTHING STOPS HIS  
PURSUIT OF JUSTICE



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# THE SECRET IS OUT IN DALLAS

*The Girards Law Firm Continues its Role as One of Texas' Medical Malpractice and Personal Injury Leaders*

Today Dr. Bryn Duffy spends his days providing comprehensive care to patients in his California offices, but 10 years ago he was a very sick medical student. After being treated in a private hospital in Texas for severe pneumonia, Duffy suffered from multiple blood clots in his lungs. He had to be readmitted to the medical center three times in an attempt to get better treatment, losing a year of study.

Duffy and his family visited several law firms about seeking damages. One of those firms was the Girards Law Firm in Dallas. "We investigated who would be the best to represent us, and we had referrals," Duffy recalls. "We hired Jim Girards because of his credentials." The case became a landmark because it exposed the practice of witness tampering by insurance companies in medical malpractice cases. Duffy still suffers from permanent physical damage, and won't forget his experience as a medical malpractice client. "Jim is extremely personable and diligent. He made sure we understood the issues, and made us feel comfortable in knowing the risks and benefits in going forward," Duffy says.

Once called one of the best-kept secrets in injury litigation, the secret is out about the Girards Law Firm. Since 1994, the firm has focused on righting the wrongs for people who have experienced catastrophic injuries, through no fault of their own. The Girards Law Firm focuses on those severely injured or killed by malpractice, trucking collisions, or construction accidents.

Girards knows all too well what it feels like to be a patient. At 18 years old, he was involved in a car wreck that left him paralyzed. He was told that he wouldn't walk again, but after six months of intense rehab, he proved his doctors wrong. While in college, Girards also worked in a hospital. He noticed the communication issues among the staff and the power struggles among different levels of leadership.

As a young lawyer, Girards handled a landmark case, *Hernandez v. Altenberg*, which was covered by NBC's "Dateline." Weeks after a family buried their mother, they received an anonymous letter telling them what really happened to her. The letter informed them that the records related to the incident were going to be destroyed if they didn't act quickly.

It was found that during a resuscitation effort, a metal guide wire was inserted into an artery in the patient's neck in order to place a catheter, but the guide wire was lost by the physician. "It got sucked into the woman's heart. The staff tried to cover it up by doing a secret surgery to get it out. They threw it away, and didn't write down what truly happened," says Girards, who received death threats during the case. "This shameful, widespread conspiracy

required the active participation of a number of different physicians and the tacit cooperation of a score of other people including the hospital's administration."

According to the Texas Appellate Court, "the patient and her family were given false information about the need for another fictitious operative procedure as an excuse for removing the wire." As a result of Girards' work, a number of processes changed at that hospital, and the firm also achieved an important development in the law of spoliation of evidence in Texas.

About 10 years ago, Girards brought on a lawyer who is also an interventional cardiologist.

The firm is a great resource for middle-aged executives who are at the top of their careers working in high-pressure jobs. "These professionals frequently end up racking up a laundry list of cardiac risk factors from their high stress jobs and end up getting injured when a heart attack is misdiagnosed or improperly treated," Girards says. The firm is one of the only firms in the country with this expertise.

The Girards Law Firm is known for its use of state-of-the-art technology, especially digital video. Technology played a big role in a 2011 case, in which Girards obtained the fourth largest medical malpractice verdict in Texas. The case involved a young child blinded shortly after birth by a failure to diagnose and treat her eye disease. In that case, Girards added a special focus on the developing technology in vision restoration—what some might call bionic eyes.

"Since Daniella is so young, I felt strongly that this child should be able to take advantage of that type of technology when it becomes available to her in 20 or so years," Girards says. The jury agreed and set aside almost \$1 million for these critical future medical needs. The case is currently on appeal.

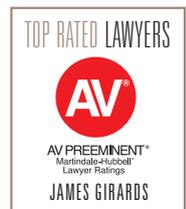
Girards has been a frequent lecturer on trial skills and courtroom technology, and has been repeatedly recognized as a Texas *Super Lawyer*. He also was recognized as one of the Top 40 Attorneys in the Country by *Newsweek* and one of Dallas' best attorneys by *D Magazine*.

Though he has been handling complex cases for years, Girards maintains his tenacious and tireless approach. "We see the effects on our clients, and we get to know them so well, they are like family," he says. "We don't let up until we are sure they are treated fairly."



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—JIM GIRARDS



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